THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.16994 of 2007

Dt:09.08.2007

Between:

Bhupal Reddy.

.. Petitioner

and

The Assistant Secretary and others.

.. Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.16994 of 2007

ORDER:

The vehicle of the petitioner bearing No.AP-13-W-3023 was seized on 19.04.2007, alleging certain irregularities. The petitioner challenges the seizure.

Heard the learned counsel for the petitioner and learned Government Pleader for the respondents.

A perusal of the Vehicle Check Report, dated 19.04.2007, discloses that the petitioner committed certain irregularities. The liability of the petitioner in the context of these observations needs to be established in the proceedings to be initiated under the relevant provisions of the Motor Vehicles Act. If the vehicle is detained and

kept in the custody of the 3rd respondent, till such proceedings take place, not only the petitioner would be put to irreparable loss, but also the vehicle would be exposed to the danger of theft and damage. The interest of the State can be protected by imposing necessary conditions, while permitting the petitioner to keep the custody of the vehicle.

For the foregoing reasons, the writ petition is disposed of, directing that-

a) the vehicle of the petitioner bearing No.AP-13-W-3023, shall be released, on his depositing a sum of Rs.3,000/- (Rupees Three Thousand Only);

b) the petitioner shall also furnish an undertaking to the effect that he shall not alienate the vehicle, till the proceedings in pursuance of the Check Report are finalized and that he shall produce the vehicle as and when required;

c) the petitioner shall not be entitled to ply the vehicle, unless it is covered by the relevant documents and the arrears of tax, if any, are paid; and

d) in case, the vehicle of the petitioner is found plying without valid documents, the permit itself shall be liable to be cancelled.

09.08.2007

Note: Issue C.C. tomorrow.

(B/o)

JSU